

AN ORDINANCE      **99386**

**ACCEPTING A PROPOSAL AND AUTHORIZING EXECUTION OF A RECYCLABLES PROCESSING SERVICES CONTRACT WITH ALLIED VISTA, INC., DBA VISTA FIBERS OF SAN ANTONIO, LTD, THROUGH ALLIED VISTA, GENERAL PARTNER, TO ACCEPT, PROCESS, AND MARKET RECYCLABLE MATERIALS COLLECTED BY THE CITY'S CURBSIDE RECYCLING PROGRAM FOR PRODUCTION OF REVENUE; FURTHER AUTHORIZING AN OPTION TO ALLOW THE CITY TO EXERCISE UP TO THREE (3) ONE-YEAR EXTENSIONS UPON APPROVAL OF THE CITY COUNCIL.**

\* \* \* \* \*

**WHEREAS**, in August, 1990, the City of San Antonio implemented a curbside recycling pilot program consisting of 9,000 homes in five different test areas; and

**WHEREAS**, the recycling program has since become an integral part of the City's regional plan to divert waste from landfills, as required by state regulation; and

**WHEREAS**, the recycling program produces revenue for the City predicted upon market conditions, and to this end the City recently solicited Proposals for a new processing and marketing / sales agreement; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The proposal of Allied Vista, Inc., dba Vista Fibers of San Antonio, Ltd., through Allied Vista, General Partner, a Limited Liability Company (Vista Fibers) is hereby accepted, subject to requirements of the City's Request for Proposal, amendments, addenda, and adjustments thereto, all of which constitute the contract documents for the Agreement; and, the City Manager or her designee is authorized to execute an Integration Agreement comprised of all such contract documents, to provide for sale and purchase of recyclable materials collected by the City of San Antonio in its recycling program. A substantially true and correct copy of the Integration Agreement is appended hereto as Attachment I, fully incorporated herein verbatim for all purposes. Subsequent changes to this Attachment, if any, must be approved by the City Attorney.

**SECTION 2.** The initial periodic performance term for this Agreement shall be seven (7) years, commencing on August 1, 2004, and ending on July 31, 2011. Thereafter, the City shall enjoy options to exercise as many as three (3) one-year (annual) extensions of the Agreement on terms and conditions identical to the terms and conditions of the initial Agreement, which exercise shall be made upon approval of the City Council.

**SECTION 3.** The following financial adjustments shall be made as necessary to effect this Ordinance:

- (a) Funds received shall be deposited in Fund 11-000000 (General Fund) in Index Code 079152 entitled "Vista Fibers".
- (b) The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

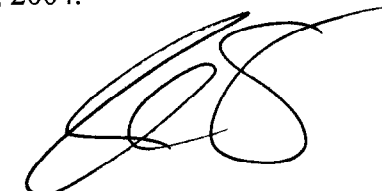
**SECTION 4.** The authority provided by this Ordinance, pertaining to the City Manager's execution of an Agreement, shall terminate 45 days from date of passage of this Ordinance. If during said timeframe, being the period from date of passage of this Ordinance until forty-five (45) days hence, no Agreement should be successfully executed between the City and Vista Fibers, then City staff is authorized at any juncture during such 45 day period to commence negotiations with other proponents and may do so concurrently with negotiations with Vista Fibers and / or may abandon negotiations with Vista Fibers, as may be determined, at the discretion of the Director of Environmental Services Department, to be in the City's best interest.

**SECTION 5.** This Ordinance shall take effect on July 4, 2004.

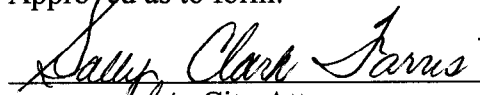
**PASSED AND APPROVED** this 24<sup>th</sup> day of June, 2004.

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
M A Y O R  
EDWARD D. GARZA

Approved as to form:

  
\_\_\_\_\_  
for City Attorney